

The 7th May, 1971

No. SE/Ambala/PWD/B&R/Branch/154R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, “construction of road from Kurukshetra to Kaithal” via Dhand (Section Kurukshetra to Dhand in Karnal District). It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section IV of the Land Acquisition Act, 1891, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of the notification file an objection in writing before the Land Acquisition Collector, P. W. D., B. & R. Branch, Ambala Cantt.

SPECIFICATION

Name of District	Name of Tehsil	Name of Villages	Area in Acres	Remarks
Karnal	Thanesar	Mirzapur	1.66	Land as demarcated at site.
Do	Kaithal	Barna	.038	
Do	Do	Ghararsi	3.875	
Do	Do	Pabnawa	.363	
Do	Do	Dhand	.375	
Total			6.311	

(Sd.)

Superintending Engineer,
Ambala Circle.

The 14th May, 1971

No. 28HA-63HC/272.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense, for a public purpose, namely, for the construction of approach road from Hansi-Bawani Khera-Bhiwani Road, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, Public Works Department, Buildings & Roads Branch, Ambala Cantt, or any other Special Collector authorised by the Colonization Officer-cum-Special Land Acquisition Collector, Haryana, is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the Offices of the Land Acquisition Collector, Haryana, Public Works Department, Buildings & Roads Branch, Ambala Cantt. and the Executive Engineer, Construction Division, Hissar.

SPECIFICATION

Name of District	Name of Tehsil	Name of village	Area in acres	Remarks
Hissar	Hansi	Bawani-Khera	1.05	As demarcated at site, from R.D. 350 to 700
		Total	1.05	passed through private land, Khasra Nos. 6 5
				311 311
				15 16 1 10
				311 311 310 310

M. G. UPPAL,

Superintending Engineer,
Hissar Circle, P.W.D., B&R Branch,
Hissar.

The 14th May, 1971

No. SE/B & R/CC/34.—Whereas the Governor of Haryana is satisfied that land specified below is needed by Government, at public expense for a public purpose, namely, for construction of Panchkula Morni Road Section Nada Sahib to Morni from R. D. 66900 to R. D. 67085, in Ambala District, this hereby declared that the land described in the specification below is required urgently for the above purpose

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt or any other Special Collector authorised by the Colonization Officer cum-Special Land Acquisition Collector, Haryana is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantonment, and the Executive Engineer, Division P. W. D., B and R. Branch, Construction Division No. II, Chandigarh.

In view of the urgency of the acquisition, the Governor of Haryana in exercise of the powers under section 17 (1) of the said Act, is further pleased to direct that the Land Acquisition Collector, Haryana Public Works Department, Buildings and Roads Branch, Ambala Cantt. shall proceed to take possession of any waste or arable land out of the land herein specified in accordance therewith.

SPECIFICATIONS

Name of District	Name of Tehsil	Name of Village	Area in Acres	Khasra Number
Ambala	Naraingarh	Mehrar	0.34	25 & without Khasra Number

No. SE/B&R/CC/35.—Whereas the Governor of Haryana is satisfied that land specified below is needed by Government, at public expense, for a public purpose, namely, for construction of Panchkula Morni Road Section Nada Sahib to Morni from R.D. 91100 to R.D. 97000 in district Ambala, it is hereby declared that the land in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P. W. D., B. & R. Branch, Ambala Cantt, or any other Special Collector, authorised by the Colonization Officer-cum-Special Land Acquisition Collector, Haryana, is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D., B.&R. Branch, Ambala Cannt. and the Executive Engineer, Division P.W.D. B.&R., Branch, Construction Division, No. II, Chandigarh.

In view of the urgency of the said acquisition, the Governor of Haryana, in exercise of the powers under section 17 (1) of the said Act, is further pleased to direct that the Land Acquisition Collector, Haryana, P.W.D. B.&R. Branch, Ambala Cannt, shall proceed to take possession of any waste or arable land out of the land herein specified in accordance therewith.

SPECIFICATIONS

Name of District	Name of Tehsil	Name of Village	Area in acres	Khasra Nos.
Ambala	Naraingarh	Bhuri	10.83	20, 21, 21/1, 22, 419/245, 420/245, 246, 247, 248, 250, 251, 256, 257, 259, 287, 306, 311, 312, 314, 317, 438, 439, 425/318, 426/318, 320, 321, 322, 440, 457/360, 361, 458/367 & without Khasra Nos.

K. L. KAPOOR,

Superintending Engineer,

Construction Circle, Haryana, P.W.D., B. & R. Branch, Chandigarh.

LABOUR DEPARTMENT

The 13th May, 1971

No. '5017-4-Lab-71/15875.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of Messrs Jawala Textile Mills, Gurgaon.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 66 of 1969

1

between

SHRI RAM PAL, WORKMAN AND THE MANAGEMENT OF MESSRS JAWALA TEXTILE MILLS, GURGAON

Present—

Shri Sardha Nand and Shri Darshan Singh, for the workman.

Shri C.M. Lal and Shri G.D. Verma, for the management.

AWARD

The facts leading to this reference under section 10(1)(d) of the Industrial Disputes Act, 1947, may briefly be stated as under :—

Shri Ram Pal has been working in Messrs Jawala Textile Mills, Gurgaon, since November, 1966-67. His case is that he had joined as a Realer but in 1967 he had been promoted as a Jobber and was being paid at Rs 6.24

paise per day. The management, however, reverted him to the post of a Reeler thereby reducing his wages also from Rs 6.24 paise to Rs 4.24 paise per day without any rhyme or reason and obviously due to his trade union activities. He approached the management with the request that he should be restored to his rightful post of Jobber, there being no justification whatever for his reduction as a checker but the management would not listen to him. He, therefore, got the demand notice dated 11th June, 1969, Ex. W.W. 3/1 issued through Shri Sardha Nand, General Secretary of the Textile Mills Mazdoor Union, Gurgaon, whereupon conciliation proceedings were initiated but the management would not since accede to his demand. The Conciliation Officer submitted his failure report to the Government and hence this reference,—vide Government Gazette notification No.ID/GG/31J-69/29422, dated 4th November, 1969 with the following term.

Whether Shri Ram Pal should be given the post of a Jobber ? If so, with what details and from which date ?

The management on the other hand, contends that Shri Ram Pal concerned workman had been appointed as a Reeler on piece rate basis on 17th January, 1967 and he had never been promoted to the post of Jobber as claimed by him although he had been discharging the duties of a substitute Checker and Jobber for very short interval in times of emergency but that did not entitle him to promotion as a Jobber. A preliminary objection has also been taken on behalf of the management to the effect that Shri Ram Pal was not interested in the present dispute which he had withdrawn of his own free will and that the dispute raised by Shri Sardha Nand, the General Secretary of the Union, was not an industrial dispute between the concerned workman and the management nor had it been properly espoused and that being so there was no valid reference in the case.

My learned predecessor framed the following two issues from the above pleadings of the parties on 12th January, 1970.

1. Whether the workman, Shri Ram Pal has withdrawn his claim for being appointed to the post of the Jobber ?
2. If the above issue is not proved, whether the workman can be given the post of a Jobber? If so, with what details and from which date ?

The management examined two witnesses, namely, Shri Dharminder Nath, Labour Officer-cum-Conciliation Officer, Gurgaon, M.W. 1, and Shri Makhan Lal their Stenographer, M.W. 2 and placed reliance on an application dated 29th November, 1969 purporting to have been signed by Shri Ram Pal and addressed to this Tribunal requesting for filing of the proceedings in the reference, consequent upon the withdrawal of the claim by him. This application which is Ex. M.W. 1/1 is attested by Shri Dharminder Nath as having been signed by this concerned workman in his presence. Both the M.Ws have proved this application. Shri Dharminder Nath M.W. 1 has further proved the demand notice, Ex. M.W. 1/2, M.W. 1/3, letter M.W. 1/4 and M.W. 1/5 issued by his office. In cross-examination he has deposed that so far as he could recollect the settlement between the parties was that Shri Ram Pal would be taken back on duty and he would be paid some compensation for the period he remained out of job and that he (Shri Ram Pal) had signed the application, Ex. M.W. 1/1 on this understanding only. According to Shri Makhan Lal, M.W. 2, Shri Ram Pal had given out before the Conciliation Officer that he was withdrawing the present dispute although earlier he had declined to do so. This witness has expressed his ignorance about the demand notices, Ex. M.W. 1/2 and Ex. M.W. 1/3.

Shri Ram Pal coming into the witness box as W.W. 1 reiterated his claim that he had been promoted as a Jobber and had been reverted to the post of Checker without any justification. He also denied having ever withdrawn his demand for designation as Jobber stating that the alleged settlement,—vide Ex. M.W. 1/1 was only on the understanding that the management would take him back on work as a Jobber and he would be paid compensation for the period of his absence from duty as such. Shri Sardha Nand, General Secretary of the Textile Mills Mazdoor Union also came to the witness box as W.W. 2 and proved the demand notice Ex. M.W. 1/2 and Ex. M.W. 1/3. He further deposed that no settlement has been brought about between the parties nor had Shri Ram Pal ever withdrawn his claim as contended by the management.

After the parties had led the above evidence in the case, my learned predecessor observed that another preliminary issue arising from the averments made in the written statement had inadvertently been left out, he therefore framed the following additional issue,—vide Order, dated 6th July, 1970.

Whether the present dispute is properly espoused and the reference is valid ?

After the framing of the above additional issue Shri Sardha Nand, W.W. 2 made his statement to the effect that the demand notice dated 11th June, 1969, copy Ex. W.W. 1/3 had been accompanied by the authority letter in form 'F' which had been signed by as many as 350 workers and the management had not taken the plea before the Conciliation Officer that the demand had not been properly espoused. He further stated that about a fortnight before raising the above demand a general meeting of the workers had been called which had passed the resolution for this purpose. Shri Dharminder Nath Labour -cum-Conciliation Officer was also examined as a witness on behalf of the workman as W.W. 3. According to him the four copies of the demand notice which had been received in his office were accompanied by the necessary authority letter which had been checked by him and

he had submitted that authority letter along with his report to the Labour Commissioner, Haryana. He further stated that as far as he could recollect no objection had been raised on behalf of the management before him that the demand notice was not in order or that the dispute had not been properly espoused.

Shri Sardha Nand further placed on record the minute book, membership register, postal certificate. This record although initially objected to on behalf of the workman was inspected by Shri C.M. Lall authorised representative of the management. The management requested that copies of the resolution, membership register, letter of authority, postal certificate, and the constitution of the union be filed by the workman but subsequently this request was withdrawn except for the Constitution of the Union.

The management further examined their Manager, Shri K.K. Bhardwaj, M.W. 3 who deposed that Shri Ram Pal had been working as a Reeler in the factory since 17th January, 1969 on piece rate basis. He produced the abstract, Ex. W.W. 3/6 prepared on the basis of the entries in the attendance and Payment of Wages registers wherein the designation of Shri Ram Pal had been shown as a Reeler. According to this witness, Shri Ram Pal had occasionally been required to discharge the duties of the checker and a Jobber. but as a substitute only as per the abstract from the relevant record of 1967, Ex. W.W. 3/7. He further deposed that this workman had never been appointed as a Jobber and that he had always accepted his wages for the work done by him as stated above without any protest. He also supported the contention raised on behalf of the management that Shri Ram Pal had withdrawn the dispute,—*vide* his application Ex. M.W. 1/1. Still another deposition made by this witness was to the effect that there were nearly 850 workers in this industrial establishment out of whom only 25 or 30 were members of the Union represented by Shri Sardha Nand.

This is the entire evidence produced in the case on both sides and I have very carefully considered the fact on record and the arguments advanced by the learned representatives of the parties.

The preliminary objection raised on behalf of the management giving rise to issue Nos. 1 and 3 are evidently without force. The statement Ex. M.W. 1/1 purporting to be withdrawal of the present demand by the workman is not signed by anybody on behalf of the management so as to give it the appearance of any settlement between the parties. Shri Ram Pal the concerned workman has categorically denied having ever withdrawn the demand. According to him he had signed this document on the understanding given to him on behalf of the management that he would be taken back on duty, presumably as a Jobber as claimed by him, and some compensation would also be paid to him for the period he had remained out of job. This statement of the workman has been borne out not only by his own representative Shri Sardha Nand, W.W. 2 but also by Shri Dharminder Nath, Labour-cum-Conciliation Officer, W.W. 3 who had attested the document as having been signed by the workman in his presence. This fact was admitted by Shri Dharminder Nath in his cross examination while appearing as a witness on behalf of the management. In the circumstances, I do not feel inclined to believe the plea of the management that Shri Ram Pal had withdrawn the above demand and that he was no longer interested in the present reference.

As far the question of the espousal of the dispute, the law is no doubt well established that an individual dispute *per se* is not an industrial dispute within the meaning of the law and that such a dispute can become an industrial dispute only when it has been espoused by a trade union or a substantial number of the workman of the industrial establishment concern. Admittedly the present dispute is not covered by section 2A of the Industrial Disputes Act, 1947 for the simple and obvious reason that it has not arisen out of the discharge or dismissal or retrenchment of the concerned workman. The question for determination in the case is whether the dispute had been properly espoused or sponsored by the workman of the establishment as required by law. According to Shri Sardha Nand, General Secretary of the Textile Mills Mazdoor Union, Gurgaon, who had issued the demand notice, Ex. W.W. 3/1. The general meeting of the workers had passed the resolution to raise the demand and he had been authorised to do so by means of the letter of authority which had been signed by as many as 350 workers and this authority letter had been submitted by him to the Conciliation Officer along with the copies of the demand notice. According to the Conciliation Officer, Shri Dharminder Nath that authority letter had been submitted by him to the Labour Commissioner along with his failure report in the case. He had further deposed that the management had not challenged that authority letter before him nor raised any objection that the demand notice was not in order.

There is still another aspect of the case which deserve consideration in this connection. The representative of the workman had produced in the court the relevant record including the membership register, the resolution book, etc., which had been fully inspected by the representative of the management. The management had asked for copies of this record to be produced but this request had subsequently been withdrawn although the representative of the workman was willing to produce the same. All these facts taken together give me the impression that as many as 350 out of the total 850 workmen of this establishment had sponsored the present demand which was proper and sufficient espousal as required by law.

That disposes of issues Nos. 1 and 3 which for the reasons discussed above are found in favour of the workman and against the management.

Issue No.2.—After a very careful consideration of the entire evidence on record, oral as well as documentary I am quite clear in my mind that Shri Ram Pal concerned workman has no case on merits. He had joined service with this establishment as a Reeler in 1966-67 and there is no evidence worth the name to indicate that he had ever been promoted as a Jobber. In the attendance and Payment of wages register, he has throughout been shown as a Reeler as per the Chart, Ex. M.W. 3/1. The authenticity of this record has not been challenged on behalf of the workman. The management has frankly admitted that in time of emergency he had been assigned the duties of a checker or Jobber for short intervals but only by way of a substitute and not as a regular Jobber. Such temporary or make shift arrangement would apparently not entitle the present workman to claim promotion as a Jobber nor the wages of this superior post. The management had paid him higher wages whenever he was asked to work as a Checker or Jobber. His claim for appointment as Jobber does not find any support in any documentary or oral evidence. No co-worker has come forward to corroborate his claim nor has he brought on the record any attendance or job card showing his designation as a Jobber. The issue is, therefore, decided against him for want of evidence.

In view of my above finding on issue No. 2, the claim of Shri Ram Pal for appointment as a Jobber is manifestly mis-conceive and he is clearly not entitled to this relief. He would, however, continue on his present job with all its rights and advantages including chances of further promotion as per the terms and conditions of his service. I give my award accordingly but without making any order as to costs.

Dated 30th April, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 394, dated 30th April, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 30th April, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 5018-4Lab-71/15877.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Executive Engineer, P. W. D., B. and R., Karnal Provincial Division, Karnal.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 39 of 1969

between

SHRI ABNASH CHANDER WORKMEN AND THE MANAGEMENT OF M/S EXECUTIVE ENGINEER P. W. D., B. & R. KARNAL, PROVINCIAL DIVISION, KARNAL

Present:—Shri Madhu Sudan Saran Chawla and Shri S. in Dass for the Workmen.
Shri R. D. Goel, for the management.

AWARD

An industrial dispute exist between the Executive Engineer P. W. D., B. and R., Karnal Provincial Division, Karnal and an employee of the department, namely Shri Abnash Chander, Road Reel Division. The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal. No. 1D/Knl/12 A-69/25152, dated 5th September 1969 with the following term of reference:

“Whether the action of the management in sending Shri Abnash Chander on leave without pay with effect from 1st March, 1967 to 30th June, 1967 was justified or not. If not; to what relief is he entitled?”

On receipt of the reference, notices were given to the parties and written statements.

In the claim statement put in on behalf of the workman, it was urged that his salary for the period from 1st March, 1967 to 30th June, 1967 i. e. for four months amounting to Rs. 702/- had been withheld without any justification and he should be awarded the same along with costs of the proceedings.

On the other hand the management in the written statement filed on 15th February, 1971 contended that Shri Abnash Chander concerned workman had proceeded on leave without pay on instructions from the Executive Engineer, Karnal Provincial Division, Karnal,—*vide* endorsement No. 1849/SD, dated 9th February, 1967 without any protest. It was further urged that the demand/107/67, dated 6th October, 1967 was received from Shri Abnash Chander after 7 months which was suggestive of the fact that he had remained employed privately during the period in question and as such he was not entitled to any remuneration. Shri Abnash Chander controverted the above allegations in his rejoinder.

In view of the pleadings of the parties the issue which arose for determination was precisely the same as per the term of reference. Shri Abnash Chander concerned workman has himself come into the witness box and examined the union leader Shri Sain Dass. A copy of the letter No. 34EG/44-G/I, dated 11th June, 1956 has also been placed on record which is Exhibit W. W, 2/1. On behalf of the management Shri R. D. Goel, S. D. E., Authorised representative, has come into the witness box without producing any other evidence oral or documentary.

Arguments have been addressed on both sides and I have given a considered thought to the material on record.

It is common ground between the parties that Shri Abnash Chander has been in the service of the department as a road Roller Driver since 1st March, 1967 and he is still in service although as a result of the bifurcation of the States of Punjab and Haryana, he has been allocated to the State of Punjab. His claim is for his wages for the period from 1st March, 1967 to 30th June, 1967 amounting to Rs 700/-. According to him the Road Roller had gone out of order and the department wanted to send him on forced leave to which he did not agree. He was then assigned the duty of getting the Road Roller repaired which was brought from Assand Road to Karnal and he continuously remained occupied for the repair work during the period in question. There is no denying the fact that the Road Roller had actually gone out of order and it was put into service only with effect from 1st July, 1967. The case for the department is that the repair work was carried out not by Shri Abnash Chander but by the mechanic of the department, but there is no evidence, documentary or oral, to support this contention. The said mechanic has not been examined nor has the relevant record been produced for reasons best known to the department. It was after all a Government property and some record must have been maintained about the expenditure incurred in the repair of the Road Roller.

There is apparently no reason to disbelieve the sworn testimony of Shri Abnash Chander which finds further support in the statement of Shri Sain Dass union leader who had personally met the officer concerned for payment of the due wages of this workman but without any success. The solitary statement of Shri R. D. Goel carries no weight to discredit the claim of this workman especially when this officer was posted at some other place during the period in question and as such he had no personal knowledge about the matter. He contends that he had made the statement on the basis of the office record which, however, has not been produced in the case as already observed. There is another aspect of the case which deserves consideration here. It was no fault of the driver that the Road Roller had gone out of order and it could not be put to service till it was repaired. Shri Abnash Chander had made a categorical statement that he had remained occupied for the repair of the Road Roller during the period in question. Even if it be assumed for the sake of argument that he had not much to do with regard to the repair of the Road Roller. It is difficult to see how he could be deprived of his due wages during the period. The learned representative of the workman has drawn my attention to the letter of the Superintending Engineer Ambala Circle to the Executive Engineer, Karnal, Provincial Division, Karnal Exhibit W. W, 2/1 which speaks for itself and goes a long way to show that the drivers were entitled to their full pay even during the idle days. Shri R. D. Goel had also admitted in so many words that Shri Abnash Chander would have been entitled to his full wages if he had not proceeded on forced leave, although according to him some other work would have been assigned to this driver. As I have discussed above, there is no proof worth consideration that Shri Abnash Chander had actually proceeded on forced leave without pay during the period in question, even his attendance is not forthcoming what to speak of any other evidence. Moreover it was for the department to see that he was given some alternative work and was not allowed to sit idle during the period for which the wages have been claimed by him.

So, judged from whatever angle, the claim of the present workman appears to be very well founded. Therefore, decided in his favour and it is held that there was no justification for the management to put Shri Abnash Chander on compulsory leave or for treating him on leave without pay during the period from 1st March, 1967 to 30th June, 1967 and that being so, he is entitled to his full pay for this period amounting to Rs. 175/- P. M. The award is accordingly made but there shall be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.